

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GERALD L. RAINES, :
Plaintiff, : NO. 1:04-CV-00467
v. :
: **ORDER AND OPINION**
WANZA JACKSON, et al., :
Defendants. :
: :
:

On July 20, 2004, Plaintiff Gerald L. Raines ("Raines"), an Ohio prisoner proceeding pro se, filed a civil rights suit against various officials of the Warren Correctional Institution, raising claims based on events allegedly occurring while he was incarcerated there. In particular, Raines alleges that he was subjected to cruel and unusual punishment, denied appropriate medical care, and suffered racial discrimination, all in violation of his constitutional rights.

On April 15, 2005, the Plaintiff entered a motion to dismiss his Complaint voluntarily pursuant to Fed. R. Civ. P. 41(a) (2) (doc. 43). He alleges that he can no longer litigate this case and, accordingly, wishes to dismiss this action. On May 17, 2005, Magistrate Judge Hogan issued a Report and Recommendation (doc. 44) recommending that the Plaintiff's motion be granted. The parties were provided proper notice of the Report and

Recommendation pursuant to 28 U.S.C. § 636(b)(1)(C), including notice that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither party has filed any objections thereto within the prescribed time, rendering the matter ripe for decision.

Having reviewed the motion de novo, pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation well reasoned and proper. Plaintiff has shown sufficient cause justifying voluntary dismissal of his Complaint.

Accordingly, the assigned Magistrate Judge's Report and Recommendation (doc. 44) is ADOPTED. Plaintiff's Motion to Voluntarily Dismiss [His] Complaint (doc. 43) is GRANTED. This case is hereby DISMISSED.

SO ORDERED.

Dated: June 30, 2005

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge